

**470. REQUIREMENTS FOR PRESCRIPTION FORM -- DISCIPLINE OF PRACTITIONERS.**

**01. Prescription Form.** Any prescription for a Controlled Substance, including any prescription blank used for a Controlled Substance prescription, shall conform to the requirements of Section 37-2725, Idaho Code.

***IDAHO ADMINISTRATIVE CODE IDAPA 27.01.01 - Rules of the Idaho  
Idaho State Board of Pharmacy State Board of Pharmacy***

(8-21-02)T

**02. Discipline Of Practitioners.** A practitioner who issues a prescription for a Controlled Substance which does not comply with the requirements of Section 37-2725, Idaho Code, shall be subject to discipline by the

Board as follows: (8-21-02)T

**a.** Definition of “offense” – For purposes of this Subsection 470.02, the term “offense” shall mean clear evidence of a pattern of prescription writing by a practitioner in violation of the requirements of Section 37-

2725, Idaho Code. (8-21-02)T

**b.** First offense - a letter, with a representative copy or copies of prescriptions giving rise to the letter, shall be sent certified mail with a return receipt requested to the practitioner at the practitioner’s registration address

describing the offense and the basis for required action, with a copy of the letter and prescription sent to the practitioner’s respective licensing board. The practitioner shall thereafter have thirty (30) days from the date of

mailing to come into compliance with the requirements of Section 37-2725, Idaho Code. If, after such thirty (30) day

period, the practitioner fails to comply with the requirements of Section 37-2725, Idaho Code, the practitioner’s

licensing board shall be notified of such failure and given an opportunity to take appropriate action within thirty (30)

days of receiving notice from the Board of Pharmacy and shall immediately notify the Board of Pharmacy when such

action is taken. If the Board of Pharmacy is not notified of an action taken by the licensing board within such thirty

(30) day period, the Board of Pharmacy shall take disciplinary action under Subsection 470.02.c. (8-21-02)T

**c.** Second offense - suspension of the practitioner’s controlled substance registration for a period of one (1) week pursuant to Section 37-2718, Idaho Code, along with an administrative fine pursuant to Section 37-

2719, Idaho Code, equal to the costs of prosecution and administrative costs of bringing the suspension action

including, but not limited to, attorney’s fees and costs and costs of hearing transcripts. The practitioner shall be

mailed notice of the offense and notice that the Board will commence the action for suspension of registration, such

notice to be sent certified mail with a return receipt requested to the practitioner at the practitioner’s registration

address. Practitioners who wish to avoid the suspension action may do so by sending to the Board a written explanation for the offense along with a written plan of action setting forth how the practitioner will avoid offenses in

the future and a payment of one hundred dollars (\$100) within thirty (30) days of mailing of notice of the offense. The

practitioner shall have thirty (30) days from the date of mailing of the notice of offense to come into compliance with

the requirements of Section 37-2725, Idaho Code. If, after such thirty (30) day period, the practitioner fails to comply with the requirements of Section 37-2725, Idaho Code, the Board of Pharmacy shall take disciplinary action under

Subsection 470.02.d. (8-21-02)T

**d.** Third offense - suspension of the practitioner's Controlled Substance registration for a period of thirty (30) days pursuant to Section 37-2718, Idaho Code, along with an administrative fine pursuant to Section 37-2719, Idaho Code, equal to the costs of prosecution and administrative costs of bringing the action including, but not limited to, attorney's fees and costs and costs of hearing transcripts. The practitioner shall be mailed notice of the offense and notice that the Board will commence the action for suspension or registration, such notice to be sent certified mail with a return receipt requested to the practitioner at the practitioner's registration address. Practitioners who wish to avoid the suspension action may do so by sending to the Board a written explanation for the offense along with a written plan of action setting forth how the practitioner will avoid offenses in the future and a payment of five hundred dollars (\$500) within thirty (30) days of mailing of notice of the offense. The practitioner shall thereafter have thirty (30) days from the date of mailing of the notice of offense to come into compliance with the requirements of Section 37-2725, Idaho Code. If, after such thirty (30) day period, the practitioner fails to comply with the requirements of Section 37-2725, Idaho, the Board of Pharmacy shall take disciplinary action under Subsection

470.02.e. (8-21-02)T

**e.** Fourth offense - suspension or revocation of the practitioner's Controlled Substance registration pursuant to Section 37-2718, Idaho Code, for such period as the Board, in its discretion, may determine based on the circumstances, along with an administrative fine pursuant to Section 37-2719, Idaho Code, equal to the costs of prosecution and administrative costs of bringing the action including, but not limited to, attorney's fees and costs and costs of hearing transcripts. The practitioner shall be mailed notice of the offense and notice that the Board will commence the action for suspension of registration, such notice to be sent certified mail with a return receipt requested to the practitioner at the practitioner's registration address. (8-21-02)T

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**f.** Offenses subject to discipline under this Subsection 470.02 shall accumulate for each subsequent offense that occurs within six (6) months of the date the practitioner is sent notice of the prior offense. An offense occurring more than six (6) months after the date the practitioner receives notice of any immediately prior offense shall be deemed a first offense. (8-21-02)T

**g.** Prescribing or dispensing Controlled Substances by a practitioner whose registration has been suspended or revoked hereunder shall be deemed a separate offense of the Board rule and applicable statute and shall